

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

Appellants: Matthew W. Hickey, James H. Wolfston, Raymond L. Price
Application No.: 10/003,471
Filing Date: October 31, 2001
Title: Scholarship Award Method
Examiner: Jean D. Janvier
Art Unit: 3688

APPEAL BRIEF

In accordance with 37 C.F.R. 41.37, Appellant hereby submits this Brief in furtherance of the Notice of Appeal, filed in this case on August 12, 2009, and received by the U.S. Patent and Trademark Office on August 12, 2009.

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being submitted to the United States Patent and Trademark Office, on the date shown below.

On: 1/12/2010

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I. Real Party in Interest

The real party in interest in this appeal is CollegeNET, Inc., a Delaware Corporation having its principal place of business in Portland, Oregon.

II. Related Appeals and Interferences

There are no prior or other pending appeals, judicial proceedings, or interferences known to Appellants which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. Status of Claims

A. Total Number of Claims in Application

There are a total of 40 claims in the application.

B. Status of All the Claims

1. Claims canceled: Claims 1-18
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: Claims 19-40
4. Claims allowed: None.
5. Claims rejected: Claims 19-40

C. Claims on Appeal

The claims on appeal are: Claims 19-40

IV. Status of Amendments

Appellants filed amendments to the claims after final rejection in the July 14, 2009, Response to Office Action. Those amendments were entered by the Examiner as indicated in the Advisory Action of August 24, 2009.

V. Summary of Claimed Subject Matter

Appellants' Claims 19 and 30 are in independent form. Claims 20-29 and 31-40 are in dependent form.

Claim 19

Independent claim 19 relates to a method of attracting visitors to a college-related web site, comprising:

executing web server software on a server to provide a form on the web site for display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship;¹

receiving by the server the completed form nominating a college student or prospective college;²

executing web server software on a server to provide a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees;³

receiving by the server the completed form casting the vote for the one or more nominees;⁴

at the end of a given period, determining from the vote cast a scholarship winner or scholarship winners from among the nominees according the number of votes cast by the general public for those winners;⁵ and

¹ See, for example, Specification, page 4, lines 4-19; page 6, lines 3-22; FIG. 1, ref. no. 102, 104, 110, 112, 116; FIG. 2, ref. no. 200, 202.

² See, for example, Specification, page 6, lines 3-20; FIG. 2, ref. no. 204.

³ See, for example, Specification, page 4, lines 4-19; page 8, lines 5-17; FIG. 1, ref. no. 102, 104, 110, 112, 116; FIG. 3, ref. no. 300, 302.

⁴ See, for example, Specification, page 8, line 18; FIG. 3, ref. no. 304.

posting an announcement of the winner on the web site.⁶

Claim 30

Independent claim 30 relates to a computer system, comprising:

a web server including a program memory for storing computer instructors for:

providing a form on the web site for display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship;⁷

providing a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees;⁸

at the end of a given period, determining from the votes case a scholarship winner or scholarship winners from among the nominees according the number of votes cast by the general public for those winners;⁹ and

announcing the scholarship winner on the web site.¹⁰

VI. Grounds of Rejection to be Reviewed on Appeal

A. First Issue

Whether Claims 19, 25, 27, 29, 30, 36, 38, 39 and 40 are indefinite under 35 USC §112.

B. Second Issue

Whether Claims 19-29 and 30-40 are unpatentable under 35 USC § 103(a) over Ireland.

⁵ See, for example, Specification, page 10, lines 3-4; FIG. 3, ref. no. 314.

⁶ See, for example, Specification, page 10, lines 4-12.

⁷ See, for example, Specification, page 4, lines 4-19; page 6, lines 3-22; FIG. 1, ref. no. 102, 104, 110, 112, 116; FIG. 2, ref. no. 200, 202.

⁸ See, for example, Specification, page 4, lines 4-19; page 8, lines 5-17; FIG. 1, ref. no. 102, 104, 110, 112, 116; FIG. 3, ref. no. 300, 302.

⁹ See, for example, Specification, page 10, lines 3-4; FIG. 3, ref. no. 314.

¹⁰ See, for example, Specification, page 10, lines 4-12.

VII. Argument

Claims 19, 25, 27, 29, 30, 36, 38, 39 and 40 stand rejected as indefinite under 35 U.S.C. § 112. Claims 19-29 and 30-40 stand rejected under 35 U.S.C. 103 as being unpatentable over Ireland, U.S. Pat. No. 7,062,462. The present rejections are not well founded and should be reversed. For the purposes of this appeal all of the rejected claims do not stand or fall together. In addition to being allowable for the reasons described below, claims 28 and 39 contain different claim language that requires them to be considered separately and that makes them separately patentable.

A. Whether Claims 19, 25, 27, 29, 30, 36, 38, 39 and 40 are indefinite under 35 USC § 112

Claims 19, 25, 27, 29, 30, 36, 38, 39 and 40 stand rejected under 35 USC § 112(2) as being indefinite as they recite an auxiliary verb "can" which creates "a level of uncertainty." Final Office Action, at 5. Appellants submit that the Examiner has applied an incorrect test to determine whether the claims are indefinite under § 112. The test for definiteness under 35 U.S.C. § 112, second paragraph, is not whether the claim language creates "a level of uncertainty," but is instead "whether those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986). When the proper test is used, it is clear that the rejected claims are not indefinite under § 112.

The rejected claims all require "executing web server software on a server to provide a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees." (emphasis added). No person of ordinary skill would have any difficulty whatsoever in understanding this limitation, which

requires that the form on the web site allow "a nominee or a member of the general public" to cast a vote for one or more of the nominees. Further, the Specification describes in detail how embodiments of the invention provide a "Scholarship Award Program web page" that includes, "either on the page itself or through a link, a list of nominees as described above and a form for voting for a nominee." Spec, at ¶ [0028]. Also according to the Specification, "the voter votes by completing and posting the voting form." Spec, at ¶ [0029]. It is frankly difficult to understand how there is any uncertainty whatsoever in the rejected claim language.

Appellants note that the Examiner appears to be applying some kind of *per se* rule against auxiliary verbs like "can" and "may." This is obviously not the law. Although admittedly not dispositive on the issue, Appellants note that there are more 400,000 patents in the U.S.P.T.O. database using the word "can" in claims. Further, there are more than 900 issued patents using the phrase "in which a person can," which is exactly parallel to the language used by Appellants.

Appellants also note that the Examiner provides no explanation as to how or why the claim term would not be understood by one of ordinary skill in the art beyond the conclusory statement that "there is a level of uncertainty associated with the use of the auxiliary 'can/may' in the claims. As noted by the Court in *In re Swinehart*, 439 F.2d 210, 213 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. The issue is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. Some latitude in the manner of expression and the aptness of the terms should be permitted even though the claim language is not as precise as the Examiner might desire.

Accordingly, Appellants request that the § 112 rejections be reversed.

B. Whether Claims 19-29 and 30-40 are unpatentable under 35 USC § 103(a) over Ireland

Claims 19-29 and 30-40 stand rejected under 35 USC § 103(a) as being unpatentable over Ireland, U.S. Pat. No. 7,062,462. Appellants submit that the rejected claims all contain limitations which are not described or taught by the cited reference. Further, the Examiner has failed to provide any reasonable rationale supporting the combination of references.

1. *The Ireland reference, when combined with official notice, does not teach all of the elements of the rejected claims.*

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). A rejection based on § 103 must rest on a factual basis, with the facts being interpreted without hindsight reconstruction of the invention from the prior art. *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (CCPA 1967), *cert denied*, 389 U.S. 1057 (1968). In making this evaluation, the Examiner has the initial duty of supplying the factual basis for the rejection he advances. He may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *Ex parte Haymond*, 41 USPQ2d 1217, 1219 (Bd. Pat. App. & Inter. 1996).

Claims 19-40

The Examiner's § 103 rejection of claims 19-40 is notable in that the cited reference, Ireland, not only fails to teach all of the elements of the rejected claims, it actually fails to teach any of the limitations in independent claim 19 and only arguably teaches one of the limitations in independent claim 30.

Ireland merely teaches a method of providing students and parents with educational financing information. The reference says nothing about methods of awarding scholarships,

which is the subject matter of Appellants' invention and rejected claims.

This is essentially admitted by the Examiner in the Final Office Action, when he states:

"... Ireland does not expressly disclose nominating (by a member of the general public) or voting for one or more scholarship recipients (nominees) via an online form available at a web site (providing a form on a web site to nominate a scholarship recipient), providing a form on the web site to a nominee or members of the public to vote for other nominees or himself/herself (here, one single form can be used for both functions or for nominating and voting), preventing a voter/nominee from voting multiple times, awarding a scholarship to the (first) recipient or nominee who receives the most votes or a predetermined number of votes at the end of a voting period (beyond which votes cannot be submitted or counted) and posting an announcement of a scholarship winner on the web site."

Final Office Action, at p. 14.

As illustrated by the following table, according to the Examiner's own words, the Ireland reference does not teach any of the limitations of independent claim 19.

Claim 19	Ireland – according to the Examiner
19. A method of attracting visitors to a college-related web site, comprising:	"Ireland discloses a method of providing a user with education financing information" Final Office Action at 6.
executing web server software on a server to provide a form on the web site for display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship;	"does not expressly disclose nominating (by a member of the general public) ... one or more scholarship recipients (nominees) via an online form available at a web site (providing a form on a web site to nominate a scholarship recipient)" Final Office Action at 14.
receiving by the server the completed form nominating a college student or prospective college;	
executing web server software on a server to provide a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees;	"does not expressly disclose ... voting for one or more scholarship recipients (nominees) via an online form available at a web site" and does not expressly disclose "providing a form on the web site to a nominee or members of the public to vote for other nominees or himself/herself" Final Office Action at 14.
receiving by the server the completed form casting the vote for the one or more nominees;	

<p>at the end of a given period, determining from the vote cast a scholarship winner or scholarship winners from among the nominees according to the number of votes cast by the general public for those winners; and</p>	<p>does not expressly disclose "awarding a scholarship to the (first) recipient or nominee who receives the most votes or a pre-determined number of votes at the end of a voting period (beyond which votes cannot be submitted or counted)"</p> <p>Final Office Action at 14.</p>
<p>posting an announcement of the winner on the web site.</p>	<p>does not expressly disclose "posting an announcement of a scholarship winner on the web site."</p> <p>Final Office Action at 14.</p>

The same is true for independent claim 30, with the exception of the requirement of "a web server including a program memory for storing computer instructions." Ireland does teach the use of a web server, but teaches none of the remaining limitations in claim 30.

As a result, while Ireland is cited by the Examiner, the rejection of Appellants' claims is actually based entirely upon official notice with absolutely no adequate documentary evidence. Appellant initially notes that official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances and these circumstances should be rare when an application is under final rejection. M.P.E.P. § 2144.03(A). It is not appropriate for an examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). "For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." M.P.E.P. § 2144.03(A).

Here, the Examiner takes official notice of the general concept of voting and even of voting over the internet, but Appellants' claims are not directed at voting in general. For example, independent claim 19 requires providing a form on a web site that can be used to vote for nominees for a scholarship and then determining the scholarship winners according to the numbers of votes cast. As explained in detail in Appellants' Specification, Academic scholarships are commonly awarded based on a variety of criteria including financial need, academic achievement, and athletic achievement. In contrast, according to Appellants' invention, the scholarship can be awarded based upon voting by the general public. This motivates a large number of people to visit the web site because winning an award scholarship requires not just a single visit by the nominee, but visits by many voters. In the prior art, only the individual student applying for a reward or scholarship would be required to visit a web site.

Appellants note that, despite repeated objections by Appellants, the Examiner has provided no evidence that many of the examples in his "official notice" were actually known before the priority date of this application. In doing so, he ignores the relevant inquiry into the state of the art at the time of the present invention. *See In re Kotzab*, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000).

For example, the Examiner states that "local, State-wide, primary and general elections can be conducted over the Internet, wherein a voter, using a computer, can vote or nominate a candidate or a second person for a post or a position in the privacy of his own home." Final Office Action at p. 12. However, the Examiner provides no evidence whatsoever that such Internet voting was known before the November 11, 2000, priority date of Appellants' Application. While the Examiner may be correct, this is certainly not a fact which is "capable of instant and unquestionable demonstration as being well-known." Further, even if known before

Appellants' priority date, elections such as the ones described by the Examiner are not open to the "general public," as required by the rejected claims. Instead, these types of elections are limited to a specific population (i.e., registered voters). The same is true for most of the other examples provided by the Examiner, such as voting for the Nobel Peace prize (no evidence of online voting whatsoever and voting limited to the Nobel Committee) or the NBA MVP (no evidence of online voting and voting limited to a panel of sportswriters and broadcasters).

As for the Examiner's use of the NBA All-Star game as an example, in response to Appellants' traverse, the Examiner provided a listing of archive dates for the web site NBA.com, most of which show dates after Appellants' priority date. At most this listing shows that archive.org has an archived web page from the listed dates, but the listing itself provides absolutely no support for the proposition that the NBA All-Star voting was being conducted on-line. Further, even if this bare listing did provide some valid documentation, Appellants checked each of the listed archive dates and could find no reference to on-line voting for the NBA All-Star game that pre-dated Appellants' priority date. But even if such on-line voting was known at the time of Appellants' invention, it still does not teach the limitations in the rejected claims. Voting by fans to determine the members of an all-star team is very different from using voting by the general public to determine a scholarship winner. As explained in Appellants' Specification, according to the prior art scholarships were awarded based upon factors such as financial need, academic achievement, or athletic achievement. Allowing members of the general public to select scholarship winners, rather than teachers, administrators, or even coaches, runs counter to the accepted wisdom at the time of Appellants' invention. *See* MPEP

§ 2145(D)(3) (proceeding contrary to accepted wisdom is evidence of nonobviousness).¹¹

Appellants also note that the Examiner provides no explanation whatsoever of the applicable level of ordinary skill in the art. See *In re Eynde*, 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973) ("[W]e reject the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice."). And, as described in greater detail below, he also provides no acceptable reason to justify the combination/modification in the fashion claimed by the rejected claims. See *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740-41(2007).

Appellants respectfully submit that throughout the prosecution of this Application, the Examiner has simply parsed out some of the specific elements in Applicant's claims, such as the general concepts of financial aid and voting. Because those general concepts are known, it appears that the Examiner concluded that all of Appellants' claims were obvious, with little or no regard for the actual requirements of the rejected claims. This is simply not the proper approach for an obviousness rejection. The question is not whether each individual word or phrase in a claim was known, but rather whether the claimed invention as a whole would have been obvious to a person of ordinary skill at the time of the invention. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together isolated disclosures and teachings of the prior art so that the claimed invention may be rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir.1992). No person of ordinary skill in the art, without

¹¹ In the March 5, 2008, Examiner Interview Summary filed by Appellants (and incorporated into Appellants Response to Office Action of December 29, 2008) Appellants provided information about the Hoy-Tarter Shared Decision Making Model, which shows that it is against the conventional wisdom to delegate a scholarship decision to the general public, which has no special expertise and no special interest in the academic success of the winner. This material submitted to the Examiner also illustrates the information that would have been known by a person of ordinary skill in the art at the time of Appellants' invention.

having read Appellants' Specification, would arrive at the invention described in Appellants' claims through a combination of the Ireland reference and the concepts found in the Examiner's "Official Notice."

2. *No reason to combine the references in the fashion claimed.*

Appellants also note that the U.S. Supreme Court has expressly noted that rejections on obviousness grounds "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740-41(2007). Further, an acceptable reason must be able to justify the combination/modification in the fashion claimed by the rejected claims. *Id.*

Here, the Examiner has failed to articulate an acceptable reason to modify the Ireland reference in the fashion claimed by Appellants' claims. According to the Examiner:

"Therefore, it would have been obvious to an ordinary skilled artisan, knowing the above information at the time of the invention, to incorporate the above disclosure ("Official Notice") into the Ireland's system so as to have a committee or a plurality of voters, including the candidates themselves, vote for one or more scholarship candidates by submitting their votes or ballots, via an online form available at a web site, on behalf of the one or more prospective recipients or candidates, including themselves, wherein a notification process is used to announce the winner(s) via the web site, meeting the eligibility criteria (e.g. candidate(s) wanting to attend a particular school or university related to a scholarship) and receiving the most votes, of a particular scholarship related to a specific school, thereby reducing the school or grantor's liability by conducting a nomination and voting process to fairly determine from a pool of prospective recipients the "most aspiring" or "luckiest" scholarship candidates, receiving the most votes, who should in the end or at the end of a period receive a scholarship award to attend the specific school selected by the candidates, especially when resources are scarce and a lot of respondents have shown interest in the scholarship, in response to the school administrator's invitation or letter to offer a scholarship to students willing to attend the school, by visiting an associated website where they can receive more information about the scholarship featured in the administrator's invitation or offer before the nomination or voting actually takes place."

Not only is this reason not sufficiently articulated or explained under the holding of *KSR*, it frankly makes little sense. For the most part, the Examiner just restates the limitations in the rejected claims and combines them with some random phrases from the Ireland reference. The only portion of this sentence that seems to provide any sort of purported rationale for the modification of Ireland is the comment that voting for scholarship candidates "reduce[es] the school or grantor's liability by conducting a nomination and voting process to fairly determine from a pool of prospective recipients the 'most aspiring' or 'luckiest' scholarship candidates." The Examiner gives no explanation as to how awarding scholarship candidates based upon votes received would "reduce the school or grantor's liability." Awarding scholarships based upon votes received essentially turns the process into a popularity contest, with the voters being biased in favor of their friends or family. If anything, it would seem that the typical method of awarding scholarships via a selection process by a committee of unbiased experts would be more fair and thus more likely to "reduce the school or grantor's liability."

Further, voting by the general public would not contribute at all to fairly determining the "most aspiring" or "luckiest" scholarship candidates, to the extent this reason would provide any motivation at all to modify Ireland. Basing the scholarship on a popular vote would not contribute at all to determining which nominees were the most aspiring, just which were the most popular with voters. Likewise, basing the scholarship on a popular vote would not contribute at all to determining which nominees were the "luckiest" because no element of chance is involved in the voting process. In short, the Examiner has completely failed to provide any sort of rational justification for the modification of Ireland to produce the invention claimed by Appellants.

Finally, Appellants note that an acceptable reason for a combination of references must be able to justify the combination in the fashion claimed by the rejected claims. *KSR Int'l Co. v.*

Teleflex, Inc., 127 S.Ct. 1727, 1740-41(2007). Here, if the reason for modifying Ireland were to fairly determine the "most aspiring" or the "luckiest" scholarship candidates, there would be no reason to modify the references in the fashion claimed by Appellants' claims. Awarding scholarships based upon voting by the general public would not accomplish either goal. Thus, a combination or modification of the references for the reason suggested by the Examiner would not have produced the invention described in Appellants' claims.

Claims 28 and 39

Claim 28, patentable for the reasons described above, also contain additional limitations that are not found in or suggested by the reference. Claim 28 requires "providing a form on the web site through which a nominee or a member of the general public can cast a vote for one or more nominees includes providing a form on the web site that does not identify nominees to the general public." Although not discussed separately by the Examiner, claim 39 contains the same general limitation.

With regard to claim 28, the Examiner states that "a list of candidates is posted online in order for the voters to vote for at least a candidate for a particular position (NBA scenario). It is also common practice to post a list of identifiers or pseudonyms, instead of individuals' real names, in a 'buddy list', thereby protecting the individual's privacy, while maintaining confidentiality. " Final Office Action, at 15. The Examiner seems to be suggesting that the players' names are hidden and the sports fan do not know who they are voting for. This is obviously not the case. Hiding the players' identities would defeat the entire purpose of the voting. A combination of references that renders the reference unsuitable for its intended purpose

is improper. None of the examples cited by the Examiner show voting using a pseudonym in which the nominee is unknown.

The Examiner also states, as a reason for modifying the Ireland reference to use pseudonyms, the goal of "protecting the individuals' or nominees' privacy and maintaining, confidentiality, while keeping the selection or decision process fair and square by avoiding nepotism or favoritism since the voters do not know the real names of the nominees for whom they are voting for, but their credentials or accomplishments." *Id.* This reason also makes little sense because Ireland does not teach posting scholarship candidates names at all.

Further, paragraph [0028] of the specification states, however:

"For the privacy and safety of the nominees, the nominees are preferably not identified by information that would permit a stranger to otherwise contact the nominee. Voters typically learn from others outside the system the identity of the student before voting. For example, a high school administration may inform members of its community that the "John S. of Nashville, Tennessee" listed on the voting page is their student, John Smith, and encourage members of its community to vote for him."

Thus, while the Examiner states that the use of a pseudonym avoids "nepotism or favoritism," the actual result is the opposite.

Claims 32-33

Claims 32-33 stand rejected under 35 USC § 103(a) as being unpatentable over Ireland, U.S. Pat. No. 7,062,462. Claims 32-33 ultimately dependent on claim 30, which is patentable for reasons discussed above. As such claims 32-33 are also patentable.

Accordingly, Appellants submit that the Examiner's rejections under § 103 are improper and should be reversed.

CONCLUSION

Appellants have demonstrated that claims 19, 25, 27, 29, 30, 36, 38, 39 and 40 are not indefinite. Further, claims 19-29 and 30-40 are not obvious over the reference combined with the Examiner's official notice. Accordingly, it is respectfully requested that the Board reverse these rejections and allow the application to issue.

Respectfully submitted,

Date: 05/12/10

By: _____



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VIII. Claims Appendix

Claims 1-18 are cancelled.

19. (rejected) A method of attracting visitors to a college-related web site, comprising:

executing web server software on a server to provide a form on the web site for display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship;

receiving by the server the completed form nominating a college student or prospective college;

executing web server software on a server to provide a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees;

receiving by the server the completed form casting the vote for the one or more nominees;

at the end of a given period, determining from the vote cast a scholarship winner or scholarship winners from among the nominees according the number of votes cast by the general public for those winners; and

posting an announcement of the winner on the web site.

20. (rejected) The method of claim 19 in which determining from the votes cast a scholarship winner or scholarship winners includes determining as the scholarship winner or scholarship winners the nominee or nominees with the greatest number of votes.

21. (rejected) The method of claim 19 further comprising, after a nominee wins a scholarship, removing the nominee from eligibility for additional scholarships for a specified period.

22. (rejected) The method of claim 19 in which votes cast expire after a predetermined period and are then not counted towards determining the scholarship winner or winners.

23. (rejected) The method of claim 19 further comprising making a payment to a college in which the scholarship winner or scholarship winners is either enrolled or expects to be enrolled.

24. (rejected) The method of claim 19 in which announcing a scholarship winner or scholarship winners includes announcing a scholarship winner or scholarship winners after a nominee has earned a prespecified number of votes.

25. (rejected) The method of claim 19 in which providing a form on the web site for use in nominating a college student or prospective college student for potential receipt of a scholarship includes providing a form on the web site through which a college student or prospective college student can nominate himself or herself.

26. (rejected) The method of claim 19 further comprising making available a web page for viewing the current status of the scholarship competition.

27. (rejected) The method of claim 19 in which providing a form on the web site through which a nominee or a member of the general public can cast a vote for one or more nominees includes providing a form through which a college student or prospective college student can cast a vote for himself or herself.

28. (rejected) The method of claim 19 in which providing a form on the web site through which a nominee or a member of the general public can cast a vote for one or more nominees includes providing a form on the web site that does not identify nominees to the general public.

29. (rejected) The method of claim 19 in which providing a form on the web site through which a nominee or a member of the general public can cast a vote for one or more nominees includes allowing a voter to vote only once for each nominee.

30. (rejected) A computer system, comprising:

a web server including a program memory for storing computer instructions for:

providing a form on the web site for display on a client computer for use in nominating a college student or prospective college student for potential receipt of a scholarship;

providing a form on the web site for display on a client computer through which a nominee or a member of the general public can cast a vote for one or more nominees;

at the end of a given period, determining from the votes case a scholarship winner or scholarship winners from among the nominees according the number of votes cast by the general public for those winners; and

announcing the scholarship winner on the web site.

31. (rejected) The computer system of claim 30 in which the computer instructions for announcing the winner on the web site includes computer instructions for announcing the nominee with the greatest number of votes.

32. (rejected) The computer system of claim 30 in which the program memory further includes computer instructions for, after a nominee wins a scholarship, removing the nominee from eligibility for additional scholarships for a specified period.

33. (rejected) The computer system of claim 30 in which the program memory further includes computer instructions for causing votes to expire after a predetermined period and then not counting the expired votes towards determining the scholarship winner or winners.

34. (rejected) The computer system of claim 30 in which the program memory further includes computer instructions for making a payment to a college in which the scholarship winner or scholarship winners is either enrolled or expects to be enrolled.

35. (rejected) The computer system of claim 30 in which the computer instructions for announcing the scholarship winner or scholarship winners includes computer instructions for announcing a scholarship winner or scholarship winners after a nominee has earned a prespecified number of votes.

36. (rejected) The computer system of claim 30 in which the computer instructions for providing a form on the web site for use in nominating a college student or prospective college student for potential receipt of a scholarship includes computer instructions for providing a form on the web site through which a college student or prospective college student can nominate himself or herself.

37. (rejected) The computer system of claim 30 in which the computer memory further comprises computer instructions for making available a web page for viewing the current status of the scholarship competition.

38. (rejected) The computer system of claim 30 in which the computer instructions for providing a form on the web site through which a nominee or a member of the general public can cast a vote for one or more nominees includes computer instructions for providing a form through which a college student or prospective college student can cast a vote for himself or herself.

39. (rejected) The computer system of claim 30 in which the computer instructions for providing a form on the web site through which a nominee or a member of the general public can

cast a vote for one or more nominees includes computer instructions for providing a form on the web site that does not identify nominees to the general public.

40. (rejected) The computer system of claim 30 in which the computer instructions for providing a form on the web site through which a nominee or a member of the general public may cast a vote for one or more nominees includes computer instructions for allowing a voter to vote only once for each nominee.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None